

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Douglas Edward Woehler	Examiner:	Edward J. Pipala
Serial No.:	10/685,364	Group Art Unit:	3663
Filed:	October 14, 2003	Docket No.:	C283.101.102
Title:	LOCATION SYSTEM		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R § 1.131

Sir/Madam:

I, Douglas Edward Woehler, declare as follows:

1. I am the named inventor of the subject matter described and claimed in the above-identified U.S. Patent Application Serial No. 10/685,364 filed October 14, 2003.

2. I, Douglas Edward Woehler, was an employee of Comteq, Incorporated, at the time of the invention described and claimed in the above-identified U.S. Patent Application Serial No. 10/685,364 filed October 14, 2003.

3. The Final Office Action mailed on February 2, 2007 has been read and understood along with the references cited therein, and that I make this Declaration in support of the patentability of the claims of U.S. Patent Application Serial No. 10/685,364.

4. This Declaration under 37 C.F.R. § 1.131 is made in response to the rejection of claims 1-15, 30-46, and 60-63 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,920,390 to Mallet et al. entitled "Surface Traffic Movement System and Method" in view of U.S. Patent No. 4,527,158 to Runnels entitled "Aircraft Collision Pilot Warning Indicating System" and in view of U.S. Patent Application Publication No. 2003/0125868 to Giannopoulos et al. entitled "In-Building Navigation System". For purposes of the February 2, 2007, Final Office Action, the earliest prior art date for U.S. Patent No. 6,920,390 to Mallet et al. is the May 18, 2001, filing date of U.S. Provisional Application No. 60/291,644 to which U.S. Patent No. 6,920,390 to Mallet et al. claims benefit, and the earliest prior art date for U.S. Patent Application Publication No. 2003/0125868 to Giannopoulos et al. is its filing date of December 27, 2001.

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5. Prior to the May 18, 2001 filing date of U.S. Provisional Application No. 60/291,644 to which U.S. Patent No. 6,920, 390 to Mallet et al. claims benefit, cited by the Examiner as referenced above, I conceived the above-identified and claimed invention. The claimed invention was constructively reduced to practice via the filing of U.S. Patent Application Serial No. 10/685,364. As factual evidence of my conception prior to May 18, 2001, attached hereto and incorporated by reference herein is Exhibit A.

6. Exhibit A is a confidential internal Patent Application Information disclosure statement of Comteq, Incorporated. Exhibit A describes the subject matter of the present application, identifies the system design concept as being that of myself, Douglas Edward Woehler, and indicates that the present invention was "(d)iscussed and described to Comteq, Inc. President Gary B. Woehler on October 26, 2000". As such, Exhibit A provides support that the claimed invention of the present application was conceived prior to the both the earliest prior art date of May 18, 2001 for U.S. Patent No. 6,920,390 to Mallet et al. and the earliest prior art date of December 27, 2001 for U.S. Patent Application Publication No. 2003/0125868 to Giannopoulos et al.

7. After conceiving the claimed invention of the present application, I diligently filed U.S. Patent Application Serial No. 10/685,364 as described in Paragraphs 8-10 below.

8. The invention disclosure of Exhibit A was forwarded to the law firm of Dicke, Billig, & Czaja, P.L.L.C. requesting preparation of a U.S. Patent Application based thereon. Dicke, Billig, & Czaja, P.L.L.C. is now located at Fifth Street Towers, 100 South Fifth Street, Suite 2250, Minneapolis, MN 55402 and specializes in patent, trademark, and copyright law.

9. Thereafter, Erik O. Berger, registration number 42,315, at that time an attorney with Dicke, Billig & Czaja, prepared and filed U.S. Provisional Patent Application No. 60/418,932 on October 15, 2002.

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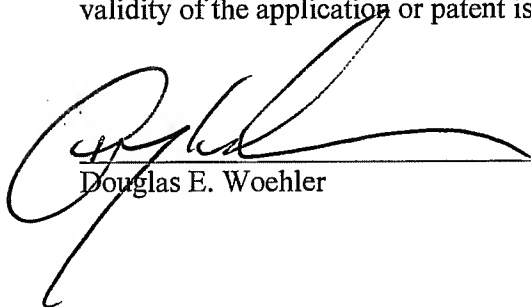
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10. Thereafter, Steven E. Dicke, registration number 38,431, of Dicke, Billig, & Czaja, with the assistance of Gregg Kromrey, an attorney with Dicke, Billig & Czaja, prepared and filed the present invention of U.S. Patent Application Serial No. 10/685,364, filed on October 14, 2003, and which claims benefit to the above mentioned U.S. Provisional Patent Application No. 60/418,932 filed on October 15, 2002.

11. It is therefore respectfully submitted that the present application claims an invention which was conceived prior to May 18, 2001 and diligently filed with the U.S.P.T.O. Thus, both the U.S. Patent No. 6,920,390 to Mallet et al. and the U.S. Patent Application Publication No. 2003/0125868 to Giannopoulos et al. should be removed as references under 35 "U.S.C. § 103(a).

12. I further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.



Douglas E. Woehler

8-20-07
Date